

STATE OF MAINE
MAINE PUBLIC UTILITIES COMMISSION

January 27, 1987

CONSUMER ASSISTANCE DIVISION BULLETIN 87-1

TO: All Maine Utilities
United States Bankruptcy Court
Maine State Bar Association, Bankruptcy Section
Chapter 13 Trustee
United States Trustee

SUBJECT: Forms for Use in Bankruptcy Court, Re: Customer
Disconnection, Part II

On August 26, 1986, the Consumer Assistance Division issued Consumer Assistance Division Bulletin 86-1. The Bulletin approved the use of forms by utilities and debtors for utility customers who have filed for protection under Title 11 U.S.C. (Bankruptcy Code), Chapter 13. As CAD Bulletin 86-1 stated:

While no agreement was reached as to whether the Bankruptcy Code preempts State Law, the Commission has approved the attached forms for use in the Bankruptcy Court. The utility would use these forms in contacting the debtor to attempt to work out a satisfactory payment arrangement. If the utility and debtor both agree to use these forms in contacting the debtor to attempt to work out a satisfactory payment arrangement. If the utility and debtor both agree to use these forms in any particular Chapter 13 filing, the Commission will not assert its jurisdiction in the Bankruptcy Court or take any other action to enforce its Rules and Regulations.

Please note that the Commission will not take a position on the preemption issue at this time. Also please note that these forms are applicable only to situations where both parties (utility and debtor) can agree.

The original forms approved in CAD Bulletin 86-1 were limited to filings under Chapter 13 of the Bankruptcy Code. Following issuance of CAD Bulletin 86-1, discussions have continued over the expansion of the use of forms to Chapter 7 filings. In addition, the implementation by utilities of these

forms has brought to our attention certain matters which were not contemplated or were overlooked in the design of the original forms.

Attached is a new set of forms to replace the forms approved in CAD Bulletin 86-1. The first set of forms (labeled A-13 through D-13 and J-13 through M-13), which deals with Chapter 13 filings, is substantially the same as those approved in CAD Bulletin 86-1. The second set of forms (labeled A-7-T through D-7-T and J-7-T through M-7-T) is for use in Chapter 7 filings when the trustee is seeking utility service. The third set of forms (labeled A-7-D through D-7-D and J-7-D through M-7-D) is for use in Chapter 7 filings when the debtor is seeking utility service.*

If you have any questions or concerns about this Bulletin, please contact Barbara Alexander, Director, Consumer Assistance Division at (207)289-3831. In addition, Peter Fessenden, Chapter 13 Trustee, and Paulette Parker, Counsel to U.S. Trustee may provide assistance in determining the applicability of these forms to your particular situation.

Barbara Alexander, Director
Consumer Assistance Division

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The forms are not lettered in consecutive order since some utilities have developed forms E-I, containing provisions which are not approved in this Bulletin, and have been omitted from this package.

EXHIBITS TO
CONSUMER ASSISTANCE
BULLETIN 87-1

FORMS APPROVED FOR USE WHERE UTILITY
CUSTOMER HAS FILED FOR BANKRUPTCY